

Committee Room,  
Austin, Texas, Jan. 17, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 92, A bill to be entitled "An Act to amend Article 3996 of Title 65, of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Jan. 17, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 101, A bill to be entitled "An Act to create a more efficient road system for Webb County, Texas, providing that the general road laws of the State of Texas shall be applicable to said county, except as herein provided; providing that nothing in this Act shall affect in anywise road bonds heretofore issued by said county; validating an election for the issuance of special road bonds of said county, validating all orders of the commissioners' court in respect to said election, validating the levy of taxes in payment thereof and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject and purpose of this Act, and declaring an emergency."

Have the had same under consideration, and I am instructed to report the same back to the Senate with the recommendaion that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Jan. 17, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 3, A bill to be entitled "An Act to amend Article 8029 of the Revised Civil Statutes of Texas of 1925, relating to the dissolution of levee improvement districts, by leaving said Article 8029 just as it is, but

adding sections thereto, providing for dissolution of levee improvement districts which have failed in their purposes, and levee improvement districts which have failed to function; providing a procedure by which levee improvement districts may voluntarily abolish their corporate existence, providing for the settlement of debts, retirement of bonds, custody of property, and appointment of a trustee to close up the affairs of such districts, and providing ways and means for holding election to decide whether or not such districts will be dissolved; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

#### SIXTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, January 20, 1927.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Pollard.

Absent—Excused.

Bailey.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Berkeley:

S. B. No. 113, A bill to be entitled "An Act amending Chapter 135 of the General Laws of the Regular Session of the Thirty-ninth Legislature, which relates to the compensation of county commissioners, so as to provide that in no event shall a county commissioner in a county having less than 10,000 population according to the last United States Census receive more than Six Hundred Dollars per annum for his services; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 114, A bill to be entitled "An Act amending Articles 5431 and 5432 of the Revised Civil Statutes of 1925, relating to libel, so as to better provide what may be given in evidence by the defendant, if specially pleaded, in determining the extent of actual damages in mitigation of exemplary or punitive damages; properly defining actual damages; defining what matters shall be deemed privileged for publication by a newspaper or periodical striking out the words "without proof of actual malice;" defining the words "public purposes" as used in Article 5432; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Russek:

S. B. No. 115, A bill to be entitled "An Act to repeal Articles 357, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 464, 466, 470, 475, 475a, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, and 489, Revised Civil Statutes of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature; providing that bonds executed and securities deposited by state banks before the passage of this Act, under the Statutes hereby repealed, as members of the Bond Security System, shall not be affected by this repeal until the

lapse of one year from the time of the approval of said bond, by, or deposit of said securities, with, the Banking Commissioner, under existing Statutes, etc., and declaring an emergency."

Read first time and referred to Committee on Banking.

By Senator Stuart:

S. B. No. 116, A bill to be entitled "An Act to amend Article 3936 of the Revised Civil Statutes of 1925 of the State of Texas, by making the fees of office for the constables more nearly conform to the fees allowed the sheriffs of the State; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Triplett:

S. B. No. 117, A bill to be entitled "An Act to amend Section 6, Article 8306, Part 1 of Title 130 Revised Statutes of 1925, by changing the waiting period and date on which compensation shall begin to accrue, and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator Price:

S. B. No. 118, A bill to be entitled "An Act to amend Article 3872, Title 60, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Price:

S. B. No. 119, A bill to be entitled "An Act to amend Article 4231 of Chapter 10, Title 69, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Price:

S. B. No. 120, A bill to be entitled "An Act to amend Article 2312 of Chapter 13, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Price:

S. B. No. 121, A bill to be entitled "An Act to amend Article 2253 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Price:

S. B. No. 122, A bill to be entitled "An Act to amend Article 942 of Title 27 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hall:

S. J. R. No. 14, A joint resolution proposing to amend Sections 2, 4, 6, 7, 9, 15, 18, 20, 21 and 2, Article V, Constitution of Texas.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Hall:

S. J. R. No. 15, A joint resolution proposing to amend Sections 4, 5, 12, 16, 22 and 23, Article IV, Constitution of Texas.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Hall:

S. J. R. No. 16, A joint resolution proposing to amend Section 30, Article XIV, Constitution of Texas.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Hall:

S. J. R. No. 17, A joint resolution proposing to amend Sections 14 and 16, Article VIII, Constitution of Texas.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Hall:

S. J. R. No. 18, A joint resolution proposing to amend Sections 3 and 4, Article III, of the Constitution of Texas.

Read first time and referred to Committee on Constitutional Amendments.

#### Simple Resolution No. 22.

Senator Westbrook sent up the following resolution:

By Senator Westbrook:

Be it resolved by the Senate that Senator Hall be added to the Committee of Labor.

The resolution was read and adopted.

#### Simple Resolution No. 23.

Senator Woodward sent up the following resolution:

By Senator Woodward:

Whereas, there is being furnished for the Mailing Department 1500 copies of the Senate Journal; and,

Whereas, there are now more than 1800 names on the mailing list; and,

Whereas, it is necessary to increase the number of Senate Journals to 2000 copies for use in the Mailing Department,

Therefore, be it resolved, That 2000 copies of the Senate Journal be furnished the Mailing Department.

The resolution was read and adopted.

#### Simple Resolution No. 24.

Senator Floyd sent up the following resolution:

By Senator Floyd:

Whereas, the Hon. Dan Moody, Governor of Texas, in his inaugural address in Austin on Tuesday, January 18, 1927, expressed the wish and desire to co-operate with the House and Senate of the Fortieth Legislature on matters in which the two branches of the State government must act jointly in serving the best interest of the people of this State, and

Whereas, such co-operation will mean harmony, good will and constructive advancement of the people's interest and welfare, therefore,

Be it resolved by the Senate of the Fortieth Legislature that we as Senators compliment our new Governor in his expressed desire to work harmoniously with our body and that we also express to him that it is our expressed wish and desire to co-operate with the Executive Office to the end that the best interest of our State may be served.

The resolution was read and adopted.

#### Simple Resolution No. 25.

Senator Smith sent up the following resolution:

By Senator Smith:

Resolved, That the Senate of Texas has learned with profound regret of the death on yesterday of Hon. Sam Webb of Shackelford County, who served the people of Texas with ability and fidelity as a member of the House of Representatives of the Twenty-ninth Legislature, and whose life is a notable record of public spirited devotion and service to Texas, his native State.

The resolution was read and adopted.

#### Simple Resolution No. 26.

Senator Russek sent up the following resolution:

By Senator Russek:

Be it resolved by the Senate that

Senator Westbrook be added to the Committee on Banking.

The resolution was read and adopted.

#### Simple Resolution No. 27.

Senator Woodward sent up the following resolution:

By Senator Woodward:

Resolved that Senator McFarland be added to the Committee on Criminal Jurisprudence.

The resolution was read and adopted.

#### Message From The House.

The Chair recognized the doorkeeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Jan. 20, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed H. C. R. No. 6, Providing for joint session of House and Senate at 11:00 o'clock, a. m., Thursday, January 20, 1927, for the purpose of hearing Governor Dan Moody deliver a message in person.

Respectfully submitted,

C. L. PHINNEY, Chairman,  
Hall of the House of Representatives,

#### Senate Concurrent Resolution No. 6.

Senator Real sent up the following resolution:

By Senator Real:

Concurrent Resolution No. 6, Relating to the acquisition by the State of the remaining Alamo property, in the City of San Antonio, now privately owned.

Be it resolved by the Senate, the House of Representatives concurring, that

The Governor is requested and authorized to appoint a Commission of three outstanding citizens of the State of Texas, neither of whom shall be citizens of or residents in Bexar County, to investigate the advisability of the State acquiring all remaining property, now privately owned, in the Block bounded by Alamo Plaza, Nacogdoches and East Houston Streets, in the City of San Antonio, surrounding the historic Alamo, the approximate cost thereof, and the means to be used; said Commission to report back to the present session of the Legislature with such other

recommendations as they may deem proper in the premises.

The resolution was read and adopted.

#### House Concurrent Resolution No. 6.

The Chair laid before the Senate, the following resolution:

H. C. R. No. 6. Providing for a Joint Session of the House and Senate in the House of Representatives, to hear Gov. Dan Moody deliver his message.

The resolution was read and adopted.

#### Simple Resolution No. 28.

Senator Witt sent up the following resolution:

By Senator Witt:

Be it Resolved, that Senators Floyd and Greer be added to Committee on Educational Affairs.

The resolution was read and adopted.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas January 20, 1927,  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 208, A bill to be entitled "An Act to create a more efficient road system for Webb County, Texas; providing that the general road laws of the State of Texas shall be applicable to said county, except as herein provided; providing that nothing in this act shall affect in anywise road bonds heretofore issued by said county; validating an election for the issuance of special road bonds of said county; validating all orders of the commissioners' court in respect to said election; validating the levy of taxes in payment thereof and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject and purpose of this act, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 1.

The Chair laid before the Senate the following resolution:

H. C. R. No. 1, Condemning the

Federal Inheritance tax and calling upon Congress to repeal the same.

The resolution was read.

Senator Love moved to table the resolution.

#### Senate at Ease.

At 11:00 o'clock a. m., the Senate stood at ease subject to the call of the Chair to meet in joint session with the House.

#### Joint Session.

The Senate and the House met in Joint Session to hear the message of the Governor. The following Senators answered to their names:

#### Yeas—29

Bailey.	Parr.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

#### Absent.

Bowers. Pollard.

#### Message From the Governor.

The Speaker of the House recognized the doorkeeper, who announced the Governor of Texas.

The Governor proceeded to the platform, and, being introduced by the Lieutenant Governor, presented the following message to the Joint Session.

(Governor's Message will appear in Supplement to today's Journal.)

#### Senate Retires.

At the conclusion of the message, the Senate retired to the Senate Chamber.

#### In The Senate.

The Senate was called to order by Lieutenant Governor Barry Miller at 12:30 p. m.

#### Recess.

At 12:31, p. m., the Senate on motion of Senator Bailey recessed until 2:30 this afternoon.

#### After Recess.

The Senate was called to order at 2:30 p. m. pursuant to recess.

#### Resolution Signed.

After its caption was read the Chair signed in the presence of the Senate H. C. R. No. 5.

#### House Bills Referred.

After their captions were read the Chair referred the following bills and resolution:

H. C. R. No. 3, referred to Committee on Finance.

H. B. No. 208, referred to Committee on Highways and Motor Vehicles.

#### House Concurrent Resolution No. 1.

The question recurred upon the adoption of H. C. R. No. 1.

Senator Stuart, as proponent of the resolution, discussed the same at length.

Senator Love's motion to table was lost by the following vote:

#### Yeas—8.

Fairchild.	Price.
Greer.	Westbrook.
Love.	Witt.
McFarlane.	Wood.

#### Nays—19.

Bledsoe.	Parr.
Floyd.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Miller.	Triplett.
Moore.	Ward.
Neal.	Wirtz.

#### Present—Not Voting.

Berkeley.

#### Absent.

Bowers. Pollard.

#### (Pair Recorded.)

Senator Woodward (present), who would vote yea; with Senator Bailey (absent), who would vote nay.

The roll was called and the resolution was passed by a vote of 17 to 10 with one pair.

## Yeas—17.

Floyd.	Miller.
Hall.	Moore.
Hardin.	Neal.
Holbrook.	Parr.
Lewis.	Real.
Reid.	Triplett.
Russek.	Ward.
Smith.	Wirtz.
Stuart.	

## Nays—10.

Berkeley.	McFarlane.
Bledsoe.	Price.
Fairchild.	Westbrook.
Greer.	Witt.
Love.	Wood.

## Absent.

Bowers.	Pollard.
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## (Pair Recorded.)

Senator Woodward (present), who would vote nay; with Senator Bailey (absent), who would vote yea.

## Message From the House.

The Chair recognized the door-keeper who introduced a messenger from the House with the following message from the House:

Hall of the House of Representatives,  
Austin, Texas, Jan. 20, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 26, ratifying and confirming the sale made of the Motley County Railroad.

S. B. No. 51, authorizing Wichita Falls and Southern Railroad Co. to use 3.6 cents per mile as basis unit for passenger fares.

S. B. No. 53, authorizing Wichita Falls and Southern Railroad Co. to acquire certain branches of extensions.

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

## Amendments to the Senate Rule.

The Chair laid before the Senate the following amendment to the Senate rules:

By Senator Love:

Amend Senate Rule 83, as follows:

(83) When a nomination is considered in executive session, all in-

formation and remarks touching the character or qualifications of the nominee shall be kept secret.

The rule was read and adopted.

By Senator Love:

Amend Senate Rule 80, so that, hereafter, it shall read as follows:

(80) Nominations shall be acted on in open session unless, by majority vote, in any case, the Senate shall order an executive session for that purpose.

The amendment was lost by the following vote:

## Yeas—4.

Fairchild.	Love.
Greer.	Wood.

## Nays—23.

Berkeley.	Real.
Bledsoe.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Neal.	Witt.
Parr.	Woodward.
Price.	

## Absent.

Bowers.	Pollard.
McFarlane.	

## Absent—Excused.

Bailey.

The Chair laid before the Senate the following amendment:

By Senator Love:

Amend Senate Rule 72 so that, hereafter, it shall read as follows:

(72) The Senate, by majority vote, may add members to any committee, standing or special, at any time.

The amendment was lost.

The Chair laid before the Senate the following amendment to the rules:

Amend Rule 70, by adding to the end thereof the following:

(37) A Committee on Legislative Representation.

This Committee shall consist of seven members and it shall be the duty of every legislative representative, and every attorney, agent or employee of any person, firm or cor-

poration, or of any class or group of persons, firms or corporations, who, in the City of Austin, shall in any manner attempt to aid or influence the passage or defeat of any legislation pending or to be pending; or which may be introduced in either house of the Legislature, first to register with the Committee on Legislative Representation by filing with its chairman a sworn statement, setting forth such facts and on such forms as the Committee may prescribe, such statements so filed to be a part of the records of the Senate.

It shall be a violation of the rule of the Senate, punishable as for contempt, for any person, in the City of Austin, to communicate with or interview any Senator touching any such legislative matter or to appear before any committee of the Senate in connection therewith without first having registered, as herein required.

The Committee on Legislative Representation shall have the power to send for persons and papers and to summon and examine witnesses under oath and it shall be its duty to make such examinations and investigations as it shall deem advisable, or as may be requested in writing by any Senator, for the purpose of ascertaining and informing the Senate of the facts pertinent to the employment or compensation of any legislative representative, agent or attorney, or of the methods used by any such representative, agent or attorney, to influence legislation, including any contributions heretofore made by any such representative, agent or attorney, or by any person, firm or corporation represented by them, to campaign funds in this State.

Said Committee shall hold open sessions, and from time to time, shall report to the Senate the testimony of all witnesses examined by it and all sworn statements filed with its chairman.

The question recurred upon the adoption of the majority report that the amendment do not pass.

Senator Love moved as a substitute that the minority report that the amendment do pass be adopted.

On the motion of Senator Wood, the amendment was made special order for tomorrow morning after the morning call.

#### Messages From The Governor.

The Chair recognized the Doorkeeper, who introduced Mr. Boyd Gatewood, Secretary of the Governor, with the following executive message:

Executive Department.

Austin, Texas, Jan. 20, 1927.

To the Honorable Senate of the State of Texas:

I hereby respectfully withdraw from consideration the names of appointees heretofore submitted to you for consideration and confirmation, which up to the present time have not been acted upon.

Respectfully submitted.

DAN MOODY, Governor.

Austin, Texas, Jan. 20, 1927.

Executive Department.

To the Honorable Senate of the State of Texas:

With your advice and consent, I desire to appoint the following persons to the following named offices, respectively:

Mrs. Jane Y. McCallum of Travis County, to be Secretary of State.

Governor Joseph D. Sayers of Travis County, to the Board of Pardon Advisors.

Hon. Geo. E. Christian of Burnet County, to the Board of Pardon Advisors.

Major R. L. Robertson of Gonzales County, to be Adjutant General.

Dr. J. C. Anderson of Hale County, to be State Health Officer and a member of the State Board of Health.

Hon. Hugh Nugent Fitzgerald of Travis County, to the Board of Regents of the College of Industrial Arts.

Hon. James L. Young of Kaufman County, to the Board of Directors of the Agricultural and Mechanical College.

Hon. P. L. Downs, Jr., of Bell County, to the Board of Directors of the Agricultural and Mechanical College.

Hon. Amon G. Carter of Tarrant County, to the Board of Directors of Texas Technological College.

Hon. Ernest O. Thompson of Potter County, to the Board of Directors of Texas Technological College.

Hon. R. A. Underwood of Hale County, to the Board of Directors of Texas Technological College.

Respectfully submitted,

DAN MOODY, Governor.

**Bills and Resolutions.**

Unanimous consent was granted to send up the following bills:

By Senator Greer:

S. B. No. 123, A bill to be entitled "An Act creating and incorporating the Poyner Independent School District lying in the counties of Henderson and Anderson in the State of Texas, defining the boundaries thereof; providing for a board of trustees thereof, placing said Independent District under the control of the General Laws governing independent districts; providing that no outstanding indebtedness of the Poyner Independent District be invalidated, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Floyd:

S. B. No. 124, A bill to be entitled "An Act making accountable as fees of office, all fees earned by officers mentioned in Title 61 of the Revised Civil Statutes of 1925, for services relative to delinquent taxes earned pursuant to the provisions of Chapter 10, Title 122 of the Revised Civil Statutes of 1925, where said fees were earned subsequent to December 31, 1927; repealing all laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Ward:

S. B. No. 125, A bill to be entitled "An Act to create Road District No. 4, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notices required in such acts; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Woodward, Bailey:

S. B. No. 126, A bill to be entitled "An Act to make effective the provisions of Section 5, Article 5, of the Constitution of the State of Texas, wherein it is declared that under such regulations as may be prescribed by law, the Court of Criminal Appeals and the judges thereof may issue such writs as may be necessary to enforce the jurisdiction of said court, and to empower said court and the judges thereof to issue writs of mandamus and certiorari, and to enforce obedience thereof, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator McFarlane:

S. B. No. 127, A bill to be entitled "An Act creating the Chillicothe Independent School District in Hardeman County, Texas; defining the school boundaries, including the present Chillicothe Independent School District; providing for a board of trustees and the manner of their election, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Berkeley, Real, Woodward:

S. B. No. 128, A bill to be entitled "An Act to provide for cooperation between the State of Texas and the United States Department of Agriculture in the destruction of predatory animals—coyotes, wolves, mountain lions, bobcats, and other predatory animals, and rodent pests—i. e., prairie dogs, jack rabbits, pocket gophers, and ground squirrels—appropriating funds for such purposes, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Fairchild:

S. B. No. 129, A bill to be entitled "An Act providing for bail in habeas corpus cases where the defendant is remanded to custody of an officer and the case is appealed; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Real:

S. B. No. 130, A bill to be entitled "An Act to amend Articles 1079, 1080, and 1081 of the Revised Civil Statutes



of 1925 of the State of Texas, by providing for a uniform examination to be prescribed by the State Board of Health for the examination of applicants for plumbing license; providing for a State Inspector of Plumbing and Assistants, prescribing their salaries, qualifications and terms of office, etc."

Read first time and referred to Committee on Public Health.

#### **Bills Signed.**

After their captions were read, the Chair signed in the presence of the Senate the following bills:

S. B. No. 26; 53; and 51.

#### **Senate Bill No. 101.**

Senator Parr received unanimous consent to call up out of its order the following bill:

S. B. No. 101, A bill to be entitled: "An Act to create a more efficient road system for Webb County, Texas, providing that the General Road Laws of the State of Texas shall be applicable to said county, except as herein provided; providing that nothing in this Act shall affect in anywise road bonds heretofore issued by said county; validating an election for the issuance of Special Road Bonds of said county, validating all orders of the commissioners' court in respect to said election, validating the levy of taxes in payment thereof and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject and purpose of this Act; and declaring an emergency."

Senator Parr asked that House Bill No. 208 on the same subject be substituted for S. B. No. 101.

The House Bill was substituted under the rule.

#### **House Bill No. 208.**

The Chair laid before the Senate, under the rules, the following bill:

H. B. No. 208, A bill to be entitled: "An Act to create a more efficient road system for Webb County, Texas, providing that the General Road Laws of the State of Texas shall be applicable to said county, except as herein provided; providing that nothing in this Act shall affect in any wise road bonds heretofore issued by said county; validating an election for the issuance of Special Road Bonds of said county, validating all orders of the commissioners' court in respect to said election, vali-

dating the levy of taxes in payment thereof and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject and purpose of this Act, and declaring an emergency."

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 208 put on its second reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Parr.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bailey.	Pollard.
Bowers.	

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 208 put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Parr.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bailey.	Pollard.
Bowers.	

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Berkeley.	Parr.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bailey.	Pollard.
Bowers.	

#### Bills Signed.

After its caption was read the Chair signed in the presence of the Senate H. B. No. 208.

#### Adjournment.

The Senate on motion of Senator Wood at 4:45 adjourned until tomorrow (Friday) morning at 10:00 o'clock a. m.

### APPENDIX.

#### Committee Reports.

Committee Room,  
Austin, Texas, Jan. 20, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 110, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of El Paso County, Texas; providing for office expenses; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 18, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highway and Motor Traffic, to whom was referred S. B. No. 103, A bill to be entitled,

"An Act to create Road District No. 4, of Wilbarger County, Texas, validating and approving all orders made by the Commissioners' Court of said county, in respect to the organization of said district; validating the authorization of certain road bonds thereof, and providing for the issuance and sale thereof; authorizing the Commissioners' Court to levy and provide for the assessment and collection of general ad valorem taxes and all taxable property in said road district in payment of principal and interest on said bonds; approving and validating all orders of the Commissioners' Court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing roof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, Jan. 20, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 208, A bill to be entitled "An Act to create a more efficient road system for Webb County, Texas, providing that the general road laws of the State of Texas shall be applicable to said county, except as herein provided; providing that nothing in this Act shall affect in anywise road bonds heretofore issued by said county; validating an election for the issuance of special road bonds of said county, validating all orders of the commissioners' court in respect to said election, validating the levy of taxes in payment thereof and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject

and purpose of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

### SEVENTH DAY.

Senate Chamber,  
Austin, Texas,

Friday, January 21, 1927

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	

Absent.

Pollard. Woodward.

Absent—Excused.

Bailey. Bledsoe.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Floyd.

### Petitions and Memorials.

(See Appendix.)

(Committee Reports.)

(See Appendix.)

### Bills and Resolutions.

By Senator Ward:

S. B. No. 131, A bill to be entitled "An Act in the interest of the public safety by rendering it unlawful for any person to drive or propel an automobile, automobile truck or

other motor driven vehicle upon the track of any railroad operated by a steam railroad company, or the receiver thereof, or the track of any railroad operated by an interurban railroad company, or the receiver thereof, at the place of crossing of any public road or street at grade, after the designation of the same as dangerous by the State Highway Commission, except in certain cases, without stopping, looking and listening for approaching trains, engines or cars; by making it a misdemeanor to violate any of the provisions of the Act and prescribing punishment therefor; by providing that failure to stop at a crossing designated as a full stop shall not constitute negligence per se; by providing that the State Highway Commission shall designate crossings as dangerous and give notice thereof, etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 132, A bill to be entitled "An Act amending Article 1256 and 1257 of the Penal Code of 1925, so as to properly define murder, and fixing the punishment for murder; repealing Chapter 15 of Title 15 of the Penal Code of 1925, relating to manslaughter, and all other laws in conflict with this Act; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Stuart:

S. B. No. 133, A bill to be entitled "An Act amending Article 187 of the Revised Civil Statutes of 1925, relating to the bond of district clerks; more adequately providing for bonds of district clerks; providing that the county shall pay the premium of said bonds out of the general county fund; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hall:

S. B. No. 134, A bill to be entitled "An Act to amend Article 1036, Title 15, Chapter 1 of Code of Criminal Procedure of the State of Texas of 1925, allowing witness fees and mileage in all out county felony cases in the sum of five cents per mile for each mile traveled going to and com-